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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000504

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SUBJECT: KOSOVO: ALBANIAN TEEN ATTACK ON ELDERLY KOSOVO
SERB WOMAN TESTS NASCENT JUSTICE SYSTEM

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (SBU) SUMMARY: On June 12, an eighteen-year old Albanian punched his elderly Kosovo Serb neighbor in the face, breaking her nose. Police arrested the perpetrator the same day, but released him less than 72 hours later since the municipal public prosecutor did not seek detention on remand.

The initial municipal public prosecutor was replaced on the case shortly thereafter, and his replacement filed an indictment on June 20; the trial date has not been set, but an initial hearing is scheduled for July 6. The victim alleges that the perpetrator and his family have harassed her for eight years and says that she and her two other elderly minority neighbors fear for their lives. Both the victim and the perpetrator live in extreme poverty in a former army barracks in downtown Pristina just minutes away from USOP. USOP has interceded at every step of the process to push for indictment, trial and detention of the perpetrator, as well as insisting that Kosovo authorities find new accommodation for the victim. END SUMMARY.

12. (C) According to Kosovo Police Service (KPS) reports and 74-year-old Kosovo Serb Vukasava "Vuka" Ivanovic's statement before the municipal public prosecutor on June 19, eighteen-year old Kosovo Albanian Bashkim Ahmeti punched Ivanovic in the face on June 12, breaking her nose. Ivanovic's Kosovo Serb neighbor Zivka Lukic found her and called police; she received prompt medical attention. The KPS detained Ahmeti the same day, but released him after less than 72 hours since the municipal public prosecutor did not request detention on remand. (NOTE: Under Kosovo law, a suspect may only be detained for 72 hours without a court order. A prosecutor can request detention on remand for 30 days under certain circumstances such as risks of flight or repeating an offense. If the risks and the offense allegedly committed so warrant, the detention on remand may be renewed for up to 18 months. END NOTE.)

Municipal public prosecutor's performance questioned

13. (C) The Municipal Public Prosecutor's Office replaced the original prosecutor, Ibrahim Berisha, following complaints from USOP RLA to Chief Municipal Prosecutor Tahir Rrecaj

about Berisha's handling of the case. On June 15, Berisha told USOP he did not recommend continued detention for Ahmeti because Ivanovic's injuries consisted of "slight bodily harm" and the perpetrator "was not considered dangerous." Poloff visited Ivanovic on June 14; her face was wrapped in bandages, and her bloodied, broken nose was clearly visible, belying his claim that her injury was minor. USOP later learned that medical forensics expert Dr. Arim Gerxhaliu had reported in his June 18 report to the Municipal Public Prosecutor's Office that Ivanovic suffered a nose bone fracture, which he characterized as "light bodily harm" resulting in "temporary health damage." The new Municipal Public Prosecutor assigned to the case after USOP complaints, Aleksander Lumezi, filed an indictment against Ahmeti on June 20, charging him with assaulting Ivanovic and requesting a public trial. A trial date has not yet been set, but an initial hearing is scheduled for July 6.

14. (C) Rrecaj told RLA he believed the case should have received more attention given that it was an incident of inter-ethnic violence, and he agreed with RLA that Berisha should have sought detention on remand. He vowed to punish Berisha if further investigation revealed that he ignored evidence or acted improperly, but pointed out that Berisha likely decided against seeking detention on remand based on the police and medical forensics reports he received. He also admitted that Berisha had told him that Ahmeti was graduating from high school and Berisha did not want him to miss the ceremony.

After initially downplaying inter-ethnic aspect of case, police take immediate action

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15. (C) KPS Spokesman Veton Elshani (protect) initially downplayed the incident to poloff, saying on June 14 that it was "not ethnically motivated" and blaming the poor economic conditions in which both the victim and perpetrator live. Nevertheless, he was quick to point out that the police took the case seriously. He said they assigned Community Police to visit Ivanovic once a day and mobile patrol teams to visit her two to three times a day. Zivka Lukic, the Kosovo Serb neighbor who found Ivanovic after the assault, told poloff that the KPS responded appropriately and were very helpful when they arrived. Moreover, poloff and ICITAP program manager met with KPS General Reshat Maliqi, the Assistant Deputy Commissioner for Operations, on June 20, and he was quick to condemn the attack. He promised to review the facts surrounding the case carefully and to look into the manner in which the police investigators presented the facts to the prosecutor.

A long history of harassment

16. (SBU) What happened on June 12 was not an isolated event, according to Ivanovic. During a June 14 visit to her "home" in a former military barracks on the grounds of the sports stadium in downtown Pristina, the elderly but spirited Ivanovic told poloff and political assistant about the conditions in which she and her neighbors live and the events leading up to the attack. She said the perpetrator, who lives just down the hall from her, has been threatening her for her entire eight years in the barracks and she is terrified he will try to kill her next time. She also feared the attack may finally force her and her Kosovo Serb neighbors out of Pristina. In her statement before the municipal public prosecutor on June 19, Ivanovic recounted how the perpetrator defiled her doorstep and tried to strangle her. She said he and his friends used to pound on her door with wooden bats in the middle of the night. Lukic also spoke of harassment by Ahmeti, saying she had complained to police several times and even tried to take Ahmeti to court. Gen. Maliqi ordered KPS Public Order Department Director Col. Sphen Maxhuni to research prior complaints against Ahmeti and/or his family, but he claimed to USOP on

June 27 that there is no record of any such complaints. The only complaints KPS said they uncovered were of what Maliqi and Maxhuni called a "social nature" regarding problems with electricity, water and trash removal.

Dismal conditions in the barracks

¶7. (SBU) Ivanovic's home consists of a tiny storage room in the barracks. From the outside, the building looks like an inner city slum. Inside, the walls are covered with graffiti supporting the Kosovo Liberation Army (KLA). Her tiny room is filled to capacity with boxes, clothes, a small bed, two small chairs, and an ancient stove and refrigerator. She has no working telephone (mobile or fixed), television, radio or other electronic appliances. She also lacks a sink or access to running water in her room and must bring in buckets of water for bathing and washing dishes. She shares a communal toilet with her Kosovo Albanian neighbors. At USOP urging and after a specific request by COM to the Prime Minister, Minister of Returns and Communities Branislav Grbic is trying to find proper housing for Ivanovic and her Kosovo Serb neighbors. In a June 27 letter to COM, he said the mayor of Pristina is also trying to improve conditions in the barracks and the Kosovo Government is considering a plan to relocate them to Gracanica, a Kosovo Serb enclave near Pristina. USOP is trying to determine whether these Kosovo Serbs actually want to move to Gracanica since they have fought to remain in Pristina for the last eight years.

¶8. (C) COMMENT: This unfortunate incident gives the Kosovo Albanian leadership yet another opportunity to turn their statements about building a multi-ethnic Kosovo into facts on the ground, starting with one elderly lady who is a threat to no one. We hope they will rise to the occasion. If Kosovo's government cannot protect Ivanovic and ensure that her

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attacker is brought to justice, their claims about commitment to Ahtisaari begin to look more like rhetoric than reality. USOP will continue to follow this case and advocate on behalf of the Serb victim. END COMMENT.

KAIDANOW